

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ABET JUSTICE LLC, et al.,

Plaintiff(s),

v.

FIRST AMERICA TRUSTEE SERVICING
SOLUTIONS, LLC, et al.,

Defendant(s).

Case No. 2:14-CV-908 JCM (GWF)

ORDER

Presently before the court is defendants' motion to expunge *lis pendens*. (Doc. #80). Plaintiffs filed a response in opposition (doc. #85), and defendants replied. (Doc. #92).

The present case involves a dispute over real property located at 2138 Montana Pine Drive in Henderson, Nevada and whether it is was subject to an HOA "superpriority" lien. Defendants move for the court to expunge the *lis pendens* affecting the property.

Both parties' motions for summary judgment dispute whether BONY's deed of trust was extinguished by the HOA sale. This question has yielded extensive ongoing litigation in both federal and state court and is highly fact dependent. Resolution of the motions for summary judgment will determine who holds title to the property.

Plaintiffs have met the burden set forth in Nev. Rev. Stat. 14.015 at this time. Plaintiffs have adequately shown that this lawsuit affects title to the property, that the lawsuit was not brought for an improper motive, that plaintiffs have performed conditions precedent to the relief sought, that plaintiffs would be injured by a transfer of the interest in the property before the action is concluded, and that plaintiffs have a fair chance of success on the merits. However, if the court

1 grants summary judgment in their favor, defendants may renew their motion to expunge the *lis*
2 *pendens*.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion to
5 expunge *lis pendens* (doc. #80) be, and the same hereby is, DENIED without prejudice.

6 DATED April 27, 2016.

7 
8 UNITED STATES DISTRICT JUDGE